

**LIBRARIES AND INFORMATION SERVICES DIVISION[286]**

**Notice of Intended Action**

**Proposing rule making related to publications depository program and providing an opportunity for public comment**

The Commission of Libraries hereby proposes to amend Chapter 3, “Statewide Programs and Agreements,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.52(4).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 256.51(1)“d” and 256.53.

*Purpose and Summary*

Rule 286—3.9(256) describes the State Library’s publications depository program. These proposed amendments remove the requirement for an advisory council, lower the number of copies of state agency publications to be deposited with the State Library, and increase the minimum retention period for depository collections.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 286—Chapter 10.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Michael Scott  
State Librarian  
State Library of Iowa  
Ola Babcock Miller State Office Building  
1112 East Grand Avenue  
Des Moines, Iowa 50319  
Phone: 515.242.5062  
Email: [michael.scott@iowa.gov](mailto:michael.scott@iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 3.9(2) as follows:

**3.9(2)** *Administration of the depository program.*

*a.* No change.

~~*b.* A nine member advisory council shall be organized to advise the state library regarding this program. The advisory council may be composed of members of state agencies, representatives of depository and nondepository libraries, and the general public. The council shall be appointed by the state librarian with the recommendation of the depository librarian.~~

*e. b.* The state library/depository library center shall serve as the last copy depository for predepository state information products and for those products never deposited with the center since its 1979 inception.

ITEM 2. Amend paragraph **3.9(3)“a”** as follows:

*a.* Upon issuance of a state publication a state agency shall deposit with the depository library center, at no cost to the center, ~~75~~ ten copies of the publication, or a lesser amount if specified by the center.

ITEM 3. Amend paragraph **3.9(5)“b”** as follows:

*b.* All publications received under this program by the full depository and core depository libraries shall be retained for a minimum period of ~~three~~ six years unless a lesser retention period is designated for an item or items by the depository library center.